

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

GINGER WHITESIDE,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 05-207-GPM
)	
JOHNSON DIVERSEY, INC., d/b/a S.C.)	
JOHNSON PROFESSIONAL and/or)	
JOHNSON WAX PROFESSIONAL, and)	
H.P. PRODUCTS CORPORATION,)	
)	
Defendants/Third-)	
Party Plaintiffs,)	
)	
vs.)	
)	
PROTESTANT MEMORIAL MEDICAL)	
CENTER, INC., d/b/a MEMORIAL)	
HOSPITAL OF BELLEVILLE, ILLINOIS,)	
)	
Third-Party Defendant.)	

MEMORANDUM AND ORDER

MURPHY, Chief District Judge:

Plaintiff has filed a pleading titled "Dismissal Without Prejudice as to Defendant H.P. Products Corporation" (Doc. 74). Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure,

an action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs, or (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action.

FED. R. CIV. P. 41(a)(1).

Defendant H.P. Products Corporation filed an answer to Plaintiff's complaint on May 20, 2005 (*see* Doc. 25), and the instant pleading is not signed by all parties. Thus, the Court construes the instant pleading as a motion for voluntary dismissal of Defendant H.P. Products Corporation pursuant to Federal Rule of Civil Procedure 41(a)(2). No response to the motion has been filed.

Accordingly, the Court **GRANTS** Plaintiff's motion to dismiss (Doc. 74), and **DISMISSES** Defendant H.P. Products Corporation without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2).

IT IS SO ORDERED.

DATED: 05/04/06

s/ G. Patrick Murphy
G. PATRICK MURPHY
Chief United States District Judge